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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SFR INVESTMENTS POOL 1, LLC,

Plaintiff,

vs.

NEWREZ LLC D/B/A SHELLPOINT
MORTGAGE SERVICING; DOES I through X;
ROE BUSINESS ENTITIES I through X,
inclusive,

Defendants.

Case No.: 2:22-cv-00626-GMN-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(THIRD REQUEST)**

NEWREZ LLC D/B/A SHELLPOINT
MORTGAGE SERVICING,

Counterclaimant,

vs.

SFR INVESTMENTS POOL 1, LLC,

Counter-Defendant.

NewRez, LLC dba Shellpoint Mortgage Servicing and SFR Investments Pool 1, LLC, hereby respectfully submit this stipulation and order to extend the close of discovery set forth in the order to extend discovery deadlines entered on May 1, 2023 [ECF No. 84], pursuant to LR 26-3 and LR IA 6-1.

1 **I. INTRODUCTION.**

2 SFR is the current record owner of property located at 6451 Hamilton Grove Avenue, Las
3 Vegas, Nevada 89122 (**the property**). SFR entered the highest bid at an HOA foreclosure sale on
4 October 19, 2012. Shellpoint's predecessor, Ditech Financial LLC, and Federal National Mortgage
5 Association (**Fannie Mae**) as well as its conservator initiated a prior quiet title action concerning the
6 validity of the deed of trust in December 2015. This court granted summary judgment against SFR
7 in March 2019, and the Ninth Circuit affirmed the following year, in June 2020.

8 SFR initiated this action on April 14, 2022 [ECF No. 1]. SFR claims the deed of trust
9 extinguished under NRS 106.240 and further claims that Shellpoint violated NRS 107.200 *et seq.*
10 *Id.* Shellpoint filed its answer, affirmative defenses, and counterclaims on June 21, 2022 [ECF No.
11 15]. Shellpoint generally denies the allegations in SFR's complaint. Shellpoint asserts the following
12 counterclaims: (1) quiet title/declaratory relief; (2) tortious interference with contractual relations;
13 (3) abuse of process; (4) slander of title; (5) equitable lien – in the alternative.

14 **II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.**

15 On July 18, 2022, the court entered a stipulated discovery plan and scheduling order [ECF
16 No. 24]. On October 12, 2022, the court extended the expert disclosure deadlines [ECF No. 32]. On
17 December 1, 2022, the court extended the discovery deadline and the rebuttal expert disclosure
18 deadline [ECF No. 34]. On February 27, 2023, the court granted Shellpoint's motion to extend
19 discovery deadlines [ECF No. 67]. On May 1, 2023, the court extended the discovery deadlines and
20 set the following deadlines [ECF No. 84]:

- 21 (a). Discovery cut off: June 9, 2023.
22 (b). Last date to file dispositive motions: July 10, 2023.
23 (c). Pre-trial order: August 9, 2023.

24 The following discovery has been completed:

- 25 1. Shellpoint served its initial disclosures on July 28, 2022.
26 2. SFR served its initial disclosures on July 28, 2022.
27 3. Shellpoint served its first set of requests for production of documents and first set of
28 interrogatories to SFR on October 12, 2022.

4. SFR served its initial expert disclosure on November 10, 2022.

5. SFR served its first set of requests for admission, first set of requests for production of documents and first set of interrogatories to Shellpoint on November 10, 2022.

6. SFR served its first supplement to initial disclosures on November 17, 2022.

7. SFR served its responses to Shellpoint's first set of requests for production of documents and first set of interrogatories on November 17, 2022.

8. Shellpoint served its second set of requests for production of documents to SFR on November 18, 2022.

9. Shellpoint served its first supplement to initial disclosures on December 9, 2022.

10. Shellpoint served its responses to SFR's requests for admission, responses to SFR's requests for production of documents, and responses to SFR's interrogatories on December 9, 2022.

11. Shellpoint served its rebuttal expert disclosure on December 19, 2022.

12. SFR served its supplemental answers to Shellpoint's interrogatories on December 21, 2022.

13. SFR served its responses to Shellpoint's second set of requests for production of documents on January 13, 2023.

14. Shellpoint served its second supplement to initial disclosures on January 20, 2023.

15. SFR served Bank of America, N.A. successor by merger to BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP (**BANA**) with a subpoena duces tecum on January 24, 2023.

16. SFR served its first supplemental expert witness disclosure on February 1, 2023.

17. Shellpoint served its first supplemental rebuttal expert disclosure on April 7, 2023.

18. Shellpoint took the deposition of SFR's expert witness on May 26, 2023.

19. Bank of America, N.A. has responded to SFR's subpoena.

III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT HAS NOT BEEN COMPLETED.

(a) Shellpoint's deposition of the SFR's Rule 30(b)(6) witness.

(b) SFR's deposition of Shellpoint's Rule 30(b)(6) witness.

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1 Shellpoint reserves the right to notice the deposition of Christopher Hardin should the need
2 arise. SFR reserves the right to object and has already voiced its objection informally via email
3 correspondence. The parties reserve the right to participate in any additional discovery during the
4 time frames outlined below should the need arise.

5 **IV. REASON WHY EXTENSION IS REQUIRED.**

6 The parties have not yet conducted Rule 30(b)(6) depositions. These depositions, along with
7 the documents the Magistrate Judge ordered Shellpoint to produce in relation to the deposition
8 topics, SFR's disclosure of the tenant's name, and any necessary follow-up discovery, is the
9 remaining discovery to be completed at this time.¹ The parties request the court extend the
10 discovery deadline through September 1, 2023, to accommodate the briefing schedule set forth in
11 ECF No. 94. Shellpoint will file its motion to stay discovery by July 10, 2023, and the motion is
12 currently set for hearing on August 2, 2023. Once the motion is decided, the parties will either
13 proceed with discovery or discovery will be stayed pending a decision from the district court on
14 Shellpoint's pending motion for judgment on the pleadings. Both parties reserve the right to request
15 a further extension of the discovery deadline if the party deems an extension necessary. Excusable
16 neglect exists because the discovery conference resulting in ECF No. 94 took place on June 7, 2023.

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28 ¹ The parties' discovery objections remain pending. ECF Nos. 69, 70.

V. **PROPOSED NEW SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY.**

The parties agree that discovery will be extended eighty-four (84) days, and the scheduling order deadlines will be extended to the following:

- (a). Discovery cut off: **September 1, 2023.**
- (b). Last date to file dispositive motions: **October 2, 2023.**²
- (c). Pre-trial order: **November 1, 2023.**

DATED this 13th day of June, 2023.

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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
Case No. 2:22-cv-00626-GMN-EJY

DATED: June 13, 2023

² The date occurring 30 days after the discovery cut-off falls on Sunday, October 1, 2023. The parties agree to move this deadline to the following business day.